IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1500 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

YUNUSBHAI GULAMNABI MEMON

Versus

PARESHBHAI PARSHOTTAMDAS PATEL

Appearance:

1. Misc.Civil Application No. 1500 of 2001
SANJAY R PATEL for Petitioner No. 1
RULE SERVED for Respondent No. 1-4

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 29/06/2004

ORAL JUDGEMENT

1. Heard learned Advocate Mr.S.R. Patel for the petitioner. Respondents are served with the notice of Rule.

2. This application is filed under Section 24 of the Code of Civil Procedure by the petitioner i.e. original applicant for transferring Motor Accident Claim Petition No.199 of 1999 pending before the Motor Accident Claims Tribunal, Gandhinagar (Auxiliary) to Motor Accident Claims Tribunal, Sabarkantha at Himatnagar.

3. In the ground of transfer, it is stated that the applicant is resident of Town Khedbrahma, which is in the District of Sabarkantha and at the distance of 115 kms from Gandhinagar.It would be less expensive and convenient for the applicant to proceed with the said Motor Accident Claim Petition at Motor Accident Claims Tribunal, Sabarkantha at Himatnagar, and more particularly in view of very scanty availability of conveyance.

4. In view of Amendment in the Motor Vehicles Act even other wise the claimant is entitled to file Motor Accident Claim Petition where he resides and in view of the grounds advanced, this Application is required to be allowed.

4. In the result, this Application is allowed. Motor Accident Claim Petition No. 199 of 1999 pending before the Motor Accident Claims Tribunal, Gandhinagar (Auxiliary) is directed to be transferred from Motor Accident Claims Tribunal, Gandhinagar (Auxiliary) to Motor Accident Claims Tribunal, Sabarkantha at Himatnagar. Motor Accident Claims Tribunal at Gandhinagar (Auxiliary) is further directed to transmit Record and Proceedings of said Motor Accident Claim Petition No.199 of 1999 immediately to Motor Accident Claims Tribunal at Sabarkantha at Himatnagar. On so receiving the Record and Proceedings, the Motor Accident Claims Tribunal, Sabarkantha at Himatnagar, shall register and dispose of the said Motor Accident Claim Petition according to law. Rule made absolute to the above extent.

(J.R. Vora, J.)

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